

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

WILLIAM M. CONRAD

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Plaintiff

*

vs.

*

CIVIL ACTION NO. MJG-14-51

CSX TRANSPORTATION, INC.,

*

Defendant

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* * * * *

MEMORANDUM AND ORDER RE: COST STAY

The Court has before it Plaintiff's Motion for a Stay on the Execution of Any Costs Awarded to CSX Transportation, Inc. Until After Conclusion of Pending Appeal [ECF No. 58] and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

Plaintiff seeks to defer payment to Defendant of any assessed costs until his pending appeal is resolved. Plaintiff's counsel states the bare conclusion that in his "sincere professional opinion . . . the Court's decision [of June 17, 2015] was inconsistent with Rule 56 jurisprudence." [ECF No. 58] at ¶ 15.

Plaintiff's counsel states that Plaintiff is impecunious, has been unemployed for four years, and has had no income since April 2013. He states:

Mr. Conrad does not have the financial resources to pay any costs at this time and if he were required to do so, it would make

it difficult for him to have enough money for basic living expenses.

Id. ¶ 14.

The motion does not explain how Plaintiff has met his living expenses without income for two years and does not present the extent - if any - of Plaintiff's assets and liabilities. Moreover, the motion is not supported by an Affidavit from Plaintiff swearing to the truth of the statements made. The Court recognizes that the amount here at issue is de minimus to Defendant, but might be meaningful to Plaintiff. However, the Court finds the motion inadequate to warrant the requested stay.

Accordingly:

1. Plaintiff's Motion for a Stay on the Execution of Any Costs Awarded to CSX Transportation, Inc. Until After Conclusion of Pending Appeal [ECF No. 58] is DENIED.
2. This action is without prejudice to the ability of Plaintiff to renew the motion with adequate evidentiary support, including a sworn statement of Plaintiff setting forth his financial circumstances.

SO ORDERED, on Monday, August 31, 2015.

/s/_____
Marvin J. Garbis
United States District Judge